

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED
CLERK U.S. DISTRICT COURT
OF DELAWARE
2005 MAR -3 AM 11:48

JOHN TURNER, *ET AL.*

v.

B.V. SHIPPING COMPANY LUZON
STRAIT (GRONINGEN)

:
:
:
:
:
:
:

CIVIL ACTION

NO. 04-cv-0936 (JJF)

**JOINT MOTION TO EXTEND ALL DEADLINES CONTAINED
IN THE OCTOBER 8, 2004 SCHEDULING ORDER**

Plaintiff, John Turner, and Defendant, B. V. Shipping Company Luzon Strait (Groningen) hereby jointly move pursuant to Fed. R. Civ. P. 16(b) for a sixty (60) day extension of time on all deadlines contained in the Scheduling Order entered on October 8, 2004 in this matter for personal reasons relating to lead counsel for defendant's loss of his son and in support thereof state as follows:

(1) This is a personal injury action arising out of an alleged accident aboard the M/V LUZON STRAIT.

(2) On October 8, 2004 this Honorable Court entered a Scheduling Order setting deadlines for discovery, the exchange of expert materials, and other matters.

(3) Initial written discovery was completed by December 1, 2005 in accordance with this Honorable Court's order and the plaintiff's deposition was completed shortly thereafter on December 9, 2005 in accordance with the scheduling requirements of the order. Additional discovery was also completed such as the defense medical examination and the gathering of employment and medical records.

(4) Lead counsel for defendant in this matter is Richard Q. Whelan of Palmer Biezup & Henderson LLP.

(6) On January 11, 2005 the 22 year-old son of Richard Q. Whelan, Richard Q. Whelan, Jr., suddenly and unexpectedly passed away.

(7) As the result of his son's death, Richard Q. Whelan has been dealing with this personal tragedy and has been absent from work for a significant period of time. Mr. Whelan has only recently returned to work on a limited basis.

(8) Due Mr. Whelan's absence from work, the completion of the necessary discovery in this matter was temporarily postponed and cannot be completed by the April 1, 2005 deadline contained in this Honorable Court's Order of October 8, 2004. The parties believe that the necessary discovery can be completed with an additional sixty (60) days of discovery. Much of this additional discovery will involve the depositions of overseas witnesses as the defendant and all members of the crew of the M/V LUZON STRAIT are foreign citizens.

(9) Plaintiff's counsel has been very cooperative and understanding during this difficult time period and joins in this motion to extend deadlines. Plaintiff's counsel has agreed to the undersigned representing that this motion is being jointly submitted by the parties.

(10) In these circumstances, the parties to this case jointly request that all deadlines in the October 8, 2005 Scheduling Order be extended for a period of sixty (60) days.

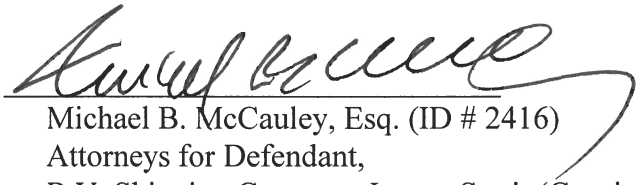
(11) In accordance with Local Rule 16.5, Counsel for defendant certifies that lead counsel has received authority from his client to request this extension and has sent a copy of the within motion to his client. Lead counsel for plaintiff has advised defense counsel that he has sent a copy of the within motion to his client.

WHEREFORE, Plaintiff, John Turner, and Defendant, B. V. Shipping Company Luzon Strait (Groningen) jointly request that, pursuant to Fed. R. Civ. P. 16(b), the Honorable Court extend all deadlines in the October 8, 2004 Scheduling Order by sixty (60) days.

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

By:



Michael B. McCauley, Esq. (ID # 2416)
Attorneys for Defendant,
B.V. Shipping Company Luzon Strait (Groningen)
1223 Foulk Road
Wilmington, DE 19803
(302) 594-0895

Of Counsel:
Richard Q. Whelan, Esq.
Palmer Biezup & Henderson LLP
956 Public Ledger Building
620 Chestnut Street
Philadelphia, PA 19106-3409

Dated: March 2, 2005

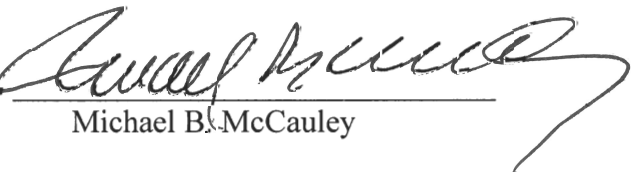
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Joint Motion to Extend All Deadlines in the October 8, 2004 Scheduling Order was served on the below-listed counsel by first-class mail, postage prepaid, on the date appearing below:

Stephen B. Potter, Esquire
Potter Carmine Leonard Aaronson, P.A.
840 N. Union Street
P.O. Box 514
Wilmington, DE 19899

Stanley B. Gruber, Esquire
Freedman and Lorry, P.C.
400 Market Street
Suit 900
Philadelphia, PA 19106-2509

PALMER BIEZUP & HENDERSON LLP

By 
Michael B. McCauley

Dated: March 2, 2005

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN TURNER, *ET AL.*

v.

B.V. SHIPPING COMPANY LUZON
STRAIT (GRONINGEN)

:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 04-cv-0936 (JJF)

ORDER

NOW, this _____ day of _____, 2005, upon consideration of the parties' joint request for an extension of all deadlines in the October 8, 2004 Scheduling Order,

IT IS HEREBY ORDERED THAT SAID MOTION IS GRANTED and that an Amended Scheduling Order will be issued extending the deadlines by sixty (60) days.

IT IS SO ORDERED.

J.